



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL**

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**Office of the State Fire Marshal
Aboveground Petroleum Storage Act Advisory Committee**

Meeting Minutes

Meeting Date: July 13, 2016

Meeting Time: 10:00 a.m. – 12:00 p.m.

Meeting Location: Office of the State Fire Marshal, Training Conference Room
1131 S Street
Sacramento, California 95811

Staff Present:

Greg Andersen, Division Chief
Jennifer Lorenzo, Senior Environmental Scientist, Committee Chair
Glenn Warner, Senior Environmental Scientist
Jenna Yang, Environmental Scientist

Members Present:

Jason Boetzer,* Calaveras County Environmental Health Certified Unified Program Agency (CUPA)
Ryan Bailey,* Sacramento County Environmental Management CUPA
James Carver,* Southern California Fire Prevention Officers (FPO)
Tom Ellison,* Kern County Fire Department
Rich Erickson,* Donlee Pump Company
Craig Fletcher,* Fletcher Consultants, Inc.
Wayne Geyer,* Steel Tank Institute (STI)
David Harris,* Donlee Pump Company
Michael Huber,* U.S. Department of the Navy
Jay McKeeman,* California Independent Oil Marketers Association
Ernie Medina,* Bakersfield Fire Department CUPA
Vince Mendes,* Fresno County Environmental Health CUPA
John Paine,* California Environmental Protection Agency (CalEPA)
Sande Pence,* San Diego County Environmental Health CUPA
Pete Reich,* U.S. Environmental Protection Agency (US EPA)
Nancy Schlotthauer,* San Bernardino County Fire District CUPA
Todd Tamura,* Tamura Environmental, Inc. (Consultant to Western States Petroleum Association [WSPA])
Jim Whittle,* Shasta County Environmental Health CUPA
Janice Witul,* US EPA

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Guests Present:

Mark Landin,* Southern California Edison
Michelle Le,* Pacific Gas and Electric (PG&E)
Devra Lewis,* Contra Costa County Hazardous Materials CUPA

** Via Conference Call*

Members Absent:

Armand Delgado, Verizon Wireless
Kevin Buchan, WSPA
Andrea Fox, California Farm Bureau Federation
Robert Marshall, Contra Costa County Fire Protection District
Stacey Miner, Walmart
Jason Rizzi, Northern California FPO
Randy Sawyer, (Co-Chair), Contra Costa County Hazardous Materials CUPA
Patrick Wong, PG&E

I. Call to Order

Committee Chair, Jennifer Lorenzo, called the meeting to order at 10:02 a.m. and welcomed everyone to the meeting.

II. Roll Call and Introductions

Jenna Yang conducted the roll call and it was determined that a quorum was present. Attendees and guests introduced themselves.

III. Approval of Minutes

Minutes from the meeting on January 26, 2016, were reviewed and amended by the group, motioned by Jason Rizzi for approval and Jay McKeeman seconded the motion, but were not voted on during the April meeting. The Committee Chair asked for the members to vote on the January 26, 2016, meeting minutes. All members were in favor and none opposed.

Minutes from the meeting on April 4, 2016, were reviewed. No amendments were suggested. Sande Pence motioned to approve the minutes and Jay McKeeman seconded the motion. All members were in favor and none opposed.

IV. Review of Action Items from April 4, 2016

Ongoing Action Items

1. APSA Frequently Asked Questions (FAQ)
2. APSA Basic Inspector Training

V. Old Business – Workgroup Updates

A. Regulations

Since the last meeting, the Committee Chair has made some new proposals to the APSA regulations to address concerns from CalEPA. First, CalEPA wanted clarification on the periodic inspections required by tank facility owners/operators. They also requested clarification on the section on inspection reports. The Committee Chair presented her draft proposals to the committee on these concerns. The final concern is in regard to the compliance verification inspection. The Committee Chair did not have proposals for this section, but had options that the committee could look into. The concern with the compliance verification section is that there is no assurance that APSA facilities storing less than 10,000 gallons of petroleum are actually complying with the implementation portion of Spill Prevention, Control, and Countermeasure (SPCC) Plans as required in statute. As part of the APSA grant agreement between CalEPA and many CUPAs in the past, CUPAs were required to do periodic reviews of these APSA facilities storing less than 10,000 gallons of petroleum to ensure that the facilities are actually implementing their SPCC Plan. The Committee Chair presented the options she had and requested that a subcommittee be formed to propose solutions that address all of CalEPA's concerns. This rulemaking package needs to be completed by the end of the year. The subcommittee should propose their solutions to this APSA Advisory Committee at the next meeting in October. Sande Pence will co-chair the subcommittee alongside the Committee Chair for the APSA Advisory Committee. Members volunteered to be a part of the subcommittee. Todd Tamura asked if the Committee Chair can send the options to the committee after the meeting. The Committee Chair said she wants to send the options to the subcommittee only, because these are only draft ideas that may be rejected immediately by the subcommittee.

Jay McKeeman was concerned that independent judgement of the effectiveness of the implementation of the SPCC Plan at a facility would be handed to the UPA inspectors. Ms. Pence stated that under the proposed section 2170(c) of the draft regulations, UPAs are not authorized to evaluate provisions independent from the provisions in the Federal guidance. Mr. McKeeman suggested this section gets referenced into the new proposals.

Other non-substantial updates were made to the draft regulations language.

An additional data field was asked to be included in the CERS 3.0 enhancements, making a total of four new APSA data fields. The original data fields requested to be added in CERS 3.0 are: SPCC Plan certification/review date, total aggregate storage capacity, and the total number of tanks in an underground area. The new proposal will be asking if a facility is a conditionally exempt site. John Paine stated that the proposal for the extra APSA data field in CERS has been approved.

The current and only APSA data field (Field ID8) in CERS needs to be updated. A request for an update has been sent to CalEPA to have the current question incorporate the changes made through Senate Bill (SB) 612 and include a new “help bubble” language with hyperlinks to more information on APSA exclusions and tanks in an underground area. The actual language of this current APSA data field is embedded in Title 27 of the California Code of Regulations (CCR) and will need to be updated from there first. Mr. Paine stated that updates to the current APSA data field will not be included in the current CCR Title 27 rulemaking package, but the help bubble will be updated with the next CERS update. Ms. Pence asked if this new language can be sent to the committee so that she can start preparing inspectors with how language will be changing. Jim Whittle asked how the Federal Water Resources Reform and Development Act (WRRDA) of 2014 will be integrated with this new data field language. The Committee Chair stated that since US EPA is still undergoing their rulemaking process [on SPCC requirements for farms pursuant to WRRDA], the language in CERS is only reflective of what is currently in statute.

Ryan Bailey had concerns that the proposed language for the new data field for conditionally exempt sites does not contain all of the conditions of exemption. Mr. Bailey will draft new language that includes all the conditions of exemption and send it to the Committee Chair.

Tanks in Underground Areas

This workgroup is done with their main task. Now, their work product needs to be incorporated into the larger rulemaking package for CCR Title 24, Part 9 (Fire Code) before the end of this year. If adopted, it will become effective July 1, 2018. The workgroup has met once a month to work on other projects pertaining to tanks in underground areas. The fire code proposal for tanks in underground areas has been distributed to Northern and Southern Region FPO representatives. One comment has been received in regard to the record keeping section. The commenter suggested that the record keeping section should not be included in the fire code, but rather in the CCR Title 19 rulemaking package. The workgroup has been working on a CCR Title 19 package for tanks in underground areas; this package contains other requirements that are not related to the building standards codes.

With regard to proposed changes in legislation for tanks in underground areas, one proposal is to exclude 55-gallon drums in underground areas. The solution for that is to clarify the tank in an underground area definition. The second change the workgroup wants to clarify is in regard to secondary containment and leak detection. Piping such as vents, vapor recovery, and fill pipes, that are not designed to normally hold product, should not be required to be double-walled and have leak detection. Third, the statute inadvertently captured not only the 55-gallon drums, but also hydraulic lift tanks, such as those for elevators. [These

types of tanks are exempt from UST requirements.] The workgroup wants to remove these types of tanks from being regulated if the tank facility has less than 1,320 gallons of petroleum. The fourth proposal is to allow facilities with less than 1,320 gallons of petroleum to prepare a modified or abbreviated SPCC Plan [in lieu of utilizing the Tier I Qualified Facility SPCC Plan template]. The workgroup is currently developing an SPCC Plan template for these tank facilities and the template will be incorporated in the CCR Title 19 rulemaking package for tanks in underground areas.

B. APSA FAQ

Glenn Warner provided an update on the APSA FAQ. He has recently been tasked with updating the APSA FAQ and will move it up in priority to make progress on it in the upcoming months.

C. APSA Training

Jenna Yang provided an update on the APSA Basic Inspector Training. OSFM has been receiving modules with scripts from workgroup members. As they receive these modules, OSFM is doing a final review and formatting of the modules. The main goal now is to meet with IT to determine the software that will host the training and if bidding is required.

VI. New Business

A. State Fire Marshal

The State Fire Marshal, Chief Tonya Hoover, is retiring. The Governor will appoint the next State Fire Marshal.

B. SB 1147

SB 1147 was last at the Assembly Committee on Environmental Safety and Toxic Materials. The first meeting for the committee was set for June 28, but was canceled at the request of the author. OSFM met with the representatives of this bill back in May. The outcome of that meeting was that a code interpretation of the fire code was necessary to clarify some of the requirements for aboveground storage tanks storing flammable and combustible liquids at farms. OSFM is expecting a code interpretation request from the author of the bill. Jay McKeeman stated that the letter from the author is being prepared. OSFM received a letter from the CUPA Forum Board to interpret APSA and the fire code. Chief Greg Andersen provided that OSFM cannot interpret statute. For a code interpretation, OSFM looks to see if regulations need more clarification. The next Code Interpretation Committee will meet on July 21. The response to the letter will be public record, but the request letter itself is not.

C. Tank Facility Statement

OSFM drafted an APSA Tank Facility Statement. It is a fillable form with instructions on the back. It is available on the OSFM APSA website (http://osfm.fire.ca.gov/cupa/pdf/APSA-TFS_18Apr2016.pdf) and a link will be provided in CERS on the APSA upload page.

VII. Open Forum and Public Comments

A. APSA TAG

Jim Whittle provided an update on the APSA TAG. The group has been working on the violation checklist updates that will be given to software vendors and updated in the CUPAs' electronic databases. The next TAG meeting is expected to be held in August.

B. Steel Tank Institute

Wayne Geyer provided an update on the STI SP001 inspection standard that is currently going through a revision. A committee was established and had their first face-to-face meeting six weeks ago. The committee is now divided up into nine task groups to discuss issues in the standard. It may take until the end of the year to make headway in the project.

C. Other Issues/Comments

The Committee Chair asked the members and guests to discuss additional items, issues, or concerns, if they had any.

Sande Pence asked if a bill will be introduced to fix the unintended consequences of SB 612. The Committee Chair stated that before October, she will need to submit language to Randy Sawyer.

VIII. Action Items

1. APSA FAQ
2. APSA Basic Inspector Training – Continue to update modules and complete bid package
3. Send updated language for APSA data field 8 and help bubble to committee.

IX. Schedule Next Meeting and Adjourn

The Committee Chair will send out a “Doodle” poll to the members to find the best available date for the next meeting.

The meeting was adjourned by the Committee Chair at 11:19 a.m.